

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00729-FDW**

DAVID EARL WATSON,

Petitioner,

VS.

J. ANDREWS,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner’s “2241 Petitioner for Writ of Habeas Corpus,” which also purports to include a petition for compassionate release. [Doc. 1].

On March 1, 2019, Petitioner pleaded guilty in this Court to one count of RICO conspiracy in violation of 18 U.S.C. §§ 1962(d) and 1963(a). [Criminal Case No. 3:17-cr-00134-FDW-DSC (“CR”), CR Doc. 2452: Plea Agreement; CR Doc. 2459: Acceptance and Entry of Guilty Plea]. On November 21, 2019, this Court sentenced Petitioner to a term of imprisonment of 41 months. [CR Doc. 2777: Judgment].

On December 28, 2020, Petitioner filed the instant petition, which he titled “2241 Petition for Writ of Habeas Corpus.” [Doc. 1]. Petitioner, in part, purports “to challenge the way the sentence is carried out” and asks the Court “to consider this Habeas Petition in conjunction with the Covid-19 Compassionate Release initiative.” [Doc. 1 at 1]. Petitioner is confined at PETERSBURG Low Federal Correctional Institution, which is in the Eastern District of Virginia. To the extent Petitioner is seeking relief under § 2241 and because any such petition is properly filed in the Eastern District of Virginia, this Court will transfer the petition to that court. See *United States v. Vance*, 563 Fed. App’x 277, 278 (4th Cir. 2014) (“A prisoner wishing to challenge

the BOP's computation or execution of a federal sentence may do so via a petition for a writ of habeas corpus under 28 U.S.C. § 2241 . . . in the district of his confinement following exhaustion of available administrative remedies."").


Because Petitioner also purports to seek release under 18 U.S.C. § 3582(c)(1)(A)(i) in his criminal proceedings in this Court, the Court will also direct the Clerk to docket the instant petition [Doc. 1] in Criminal Case No. 3:17-cr-00134-FDW-DSC-79.

IT IS, THEREFORE, ORDERED that:

1. This action is transferred to the Eastern District of Virginia.
2. The Clerk is respectfully instructed to file Docket No. 1 in Criminal Case No. 3:17-cr-00134-FDW-DSC-79 as a motion for compassionate release.
3. The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: January 5, 2021


Frank D. Whitney
United States District Judge